

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

DEBORAH ANN MCCUNE, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	No. 1:09-cv-1248 (AJT/JFA)
NATIONAL CITY BANK,)	
)	
Defendant.)	
_____)	

ORDER

This matter came before the Court on January 22, 2010 on Defendant National City Bank's Motion to Dismiss Plaintiffs' Complaint (Doc. No. 6). Upon consideration of the motion, the opposition thereto, and the arguments of counsel, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED that Defendant National City Bank's Motion to Dismiss Plaintiffs' Complaint (Doc. No. 6) be, and the same hereby is, DENIED as to Count 1 of the Complaint; and it is

FURTHER ORDERED Defendant National City Bank's Motion to Dismiss Plaintiffs' Complaint (Doc. No. 6) be, and the same hereby is, GRANTED as to Count 2 and Count 3 of the Complaint (Doc. No. 1), and that Count 2 and Count 3 of the Complaint (Doc. No. 1) be, and the same hereby are, DISMISSED with prejudice.

The Clerk is directed to forward copies of this Order to all counsel of record.



Anthony J. Trenga
United States District Judge

Alexandria, Virginia
March 24, 2010